

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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In re Application of THE COALITION TO PROTECT :
CLIFTON BAY and LOUIS BACON for an Order :
Pursuant to 28 U.S.C. § 1782 to Conduct Discovery for :
Use in Foreign Proceedings. :
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Case No.

USDC-SDNY
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14-MC

14mc 258.

**~~[PROPOSED]~~ ORDER TO SHOW CAUSE WHY THE COALITION TO PROTECT
CLIFTON BAY AND LOUIS BACON SHOULD NOT BE GRANTED LEAVE TO
CONDUCT DISCOVERY FOR USE IN FOREIGN PROCEEDINGS**

On August 13, 2014, The Coalition to Protect Clifton Bay (commonly referred to as, "Save The Bays") and Louis Bacon (collectively, "Petitioners") submitted an Application and Petition and Application for an Order Pursuant to 28 U.S.C. § 1782 to Conduct Discovery for Use in Foreign Proceedings (the "Application"), on notice to Stephen Feralio ("Respondent").

Petitioners and Respondent have submitted a Stipulation between Petitioners and Respondent dated August 12, 2014 (the "Stipulation") by which Respondent agrees to accept service of subpoenas for testimony and the production of documents from Respondent. *The Stipulation was so ordered by the Court on August 13, 2014.*
By separate Order entered on August 13, 2014, Petitioners have been granted discovery, including the taking of a deposition and production of documents, from Respondent for use in connection with seven judicial proceedings currently pending in the Bahamas.

The Court has considered the evidence, arguments and law presented, and sufficient reasons having been shown, it is hereby:

ORDERED that Petitioners shall serve copies of this Order, the Stipulation, this Application, the Memorandum of Law, the supporting declarations (with exhibits attached thereto), and any other materials submitted in connection with this Application on counsel for the defendants in the Bahamian judicial actions for which this Application seeks discovery, as well

as on Nygård International, by hand, ^{with copy by} facsimile, or e-mail, no later than 5:00 p.m. on August 20, 2014; and

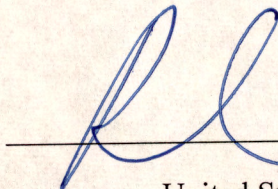
ORDERED that papers in opposition to the Application, if any, shall be served by hand, facsimile, or e-mail upon Petitioners' counsel, Gibson Dunn & Crutcher, LLP, 200 Park Avenue, 47th Floor, New York New York, on or before 5:00 a.m./p.m. on August/September 10, 2010; and

ORDERED that a reply memorandum in support of the Application, if any, shall be served by hand, facsimile, or e-mail upon counsel for any party submitting opposing papers on or before 5:00 a.m./p.m. on August/September 19, 2014; and

ORDERED that Petitioners, Respondent, and any other individual or entity that has filed papers in opposition to the Application show cause before ^{Judge Oetken, who will then be providing in Part I} this Court at a hearing on ^{October} August/September 7, at 12:00 a.m./p.m., or as soon thereafter as counsel may be heard, why Petitioners should not be granted leave to obtain the requested discovery from Respondent for use in foreign proceedings.

IT IS SO ORDERED.

Dated: August 13, 2014


United States District Judge